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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

JEAN GILLES, JUDE

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/676,328
Filing Date: October 01, 2003
Appellant(s): YEE, SUNNY K.

Tait R. Swanson
Reg. No. 48,226
(281) 970-4545

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/13/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. There is no amendment after final rejection on record.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6980963	Hanzek	12-2005
20030137540	Klevenz	07-2003

(9) Claim Objections

There are no claim objection in the Appeal Brief.

(10) Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanzek, Patent No. 6,980,963 B1 in view of Klevenz et al (Klevenz), U.S. Pub. No. 20030137540 A1.

Regarding **claim 1**, Hanzek teaches discloses a comprising:

a controller that is adapted to receive a request for data from a user during a user session at a portal; (*fig. 9; column 14, lines 57-67, continue in the next column, lines 1—2; note that the Dispatcher 906 is the controller adapted to accept incoming request data during a session; see the use of portal 318, allowing users to access requested data during session; column 8, lines 43-57*).

Hanzek further teaches a preprocessor (fig. 9, parser 904) interacting with the controller (dispatcher 906) to provide request service with the portal during user sessions (*column 14, lines 43-56*).

Hanzek teaches substantial features of the claimed invention, but does not appear not to clearly teach “the preprocessor adapted to search for a preprocessor action associated with a portal registered to the request, wherein the controller invokes the preprocessor before processing the request for data”, although in column 14, lines 45-48 Hanzek tells us that such mechanism is implied (see that the parser (preprocessor) wait for a response from the dispatcher (controller) Nonetheless this feature is well known and would have been an obvious modification t the system shown Hanzek as evidenced by Klevenz

In the same field of endeavor, Klevenz show a preprocessor (see fig. 7, item 740), that is associated with a portal (see portal component 730) to the request (710) such that the controller (760) invokes the preprocessor before processing the request for data. In an attempt to fully utilize local resources, a request is preprocessed by a processor prior to controller processing (see Klevenz; par. 0102-0105).

Given this feature, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Hanzek's teachings of preprocessing a portal request prior to registering the request with the teachings of Klevenz, for the purpose of “...allowing the controls from the controller to be centrally rendered, which provides for consistent rendering of the controls, thereby providing support messaging between controls, through requests (see Klevenz, par. 0028)”. By this rationale **claim 1** is rejected.

Regarding claims 2-23 combination Hanzek- Klevenz discloses:

2. The system set forth in claim 1, wherein the preprocessor is a subcomponent of the controller (see Klevenz; fig. 7; par. 104; note that that an ordinary skill would obviously incorporated the processor 740 within the controller 740 as this is well known in the art).
3. The system set forth in claim 1, wherein the preprocessor manager is adapted to map the preprocessor action to the portal (see Hanzek; fig. 3, items 318).
4. The system set forth in claim 1, wherein the preprocessor is adapted to instantiate a session-scoped object for the preprocessor action (see Hanzek; fig. 37 ABC; column 31, lines 1-30).
5. The system set forth in claim 1, wherein the preprocessor action comprises an architectural bridge adapted to facilitate communication between different server architectures (see Hanzek; fig. 3, items 324, 354, and 356).
6. The system set forth in claim 1, wherein the preprocessor action comprises an admission control adapted to continue interaction with a desired server for the duration of the user session (see Hanzek; fig. 3, items 324, 354, and 356).
7. The system set forth in claim 1, wherein the preprocessor action comprises a locale setting control adapted to set locale information for the duration of the user session (see Hanzek; fig. 37 ABC; column 31, lines 1-30).

8. The system set forth in claim 1, comprising a model and a view separate from one another and separate from the controller, wherein the model is adapted to provide an application state for the application and the view is adapted to provide a view presentation for the application (see Hanzek; column 14, lines 12-30).

9. A method of creating applications, the method comprising:

creating, with a processor-based device, a model-view-controller architecture comprising a controller that receives requests for data from users and responds to the requests by obtaining requested data(see Klevenz; fig. 7; par. 0074; 0102-0105); and providing a preprocessor manager that executes a desired action to produce information accessible by the controller for a desired time of incoming user requests (see Hanzek; see abstract; see fig. 3, items 318, 324, 352, and 354; *column 14, lines 43-56; column 2, lines 52-67; column 3, lines 40-67; column 6, lines 7-36*).

10. The method set forth in claim 9, comprising configuring the preprocessor manager to execute the desired action before the controller processes the incoming user requests (see Klevenz; fig. 7; par. 0102-0105).

11. The method set forth in claim 9, comprising mapping the desired action to a portal (see Hanzek; see fig. 3, items 318, 324, 352, and 354; *column 2, lines 52-67; column 3, lines 40-67; column 6, lines 7-36*).

12. The method set forth in claim 9, comprising eliminating repetitious execution of the desired action for each of the incoming requests (see Hanzek; column 10, lines 7-46).

13. The method set forth in claim 9, comprising configuring the preprocessor manager to instantiate a session-scoped object for the desired action during preprocessor startup (see Hanzek; fig. 37 ABC; column 31, lines 1-30).

14. A system for creating applications, the system comprising:

means for creating a controller that provides control functions for an application, the controller being adapted to receive a request for data from a user and respond to the request by processing the request to obtain the requested data (see Hanzek; fig. 3 and 9; *column 14, lines 43-56*; column 8, lines 58-67; column 9, lines 1-14); and

means for preprocessing an action to produce session-scoped information accessible by the controller wherein preprocessing the action is performed prior to the controller processing the request to obtain the requested data (see Klevenz; fig. 7; par. 0102-0105).

15. The system set forth in claim 14, wherein the means for preprocessing comprises means for bridging communication between at least two architectures (see Hanzek; fig. 3, items 310, 340, 350, and 360).

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16. The system set forth in claim 14, wherein the means for preprocessing comprises means for controlling admission to a portal (see Hanzek; see abstract; see fig. 3, items 318, 324, 352, and 354; column 3, lines 40-67).

17. The system set forth in claim 14, wherein the means for preprocessing comprises means for setting locale information (see Hanzek; column 37, lines 1-30).

18. A program for creating applications, comprising:

- a machine readable medium (see Klevenz; fig. 1);

- a controller logic stored on the machine readable medium and adapted to receive and process a user request for data (see Hanzek; fig. 3 and 9; *column 14, lines 43-56*; column 8, lines 58-67; column 9, lines 1-32); and

- a preprocessor manager stored on the machine readable medium and adapted to receive a request from the controller logic to invoke an action class prior to the controller logic processing the user request (see Klevenz; fig. 7; par. 0102-0105).

19. The program set forth in claim 18, comprising controller logic stored on the machine readable medium and adapted to receive the user requests for data from users and respond to the user requests by obtaining requested data (see Hanzek; fig. 3; column 8, lines 58-67; column 9, lines 1-14).

20. (see Hanzek; Currently Amended) The program set forth in claim 18, wherein the action classes stored comprises a bridge, an admission control, a locale, or a combination thereof (see Hanzek; fig. 3; column 8, lines 58-67; column 9, lines 1-14; see also Klevenz; fig. 5).

21. The program set forth in claim 18, wherein the action classes mapped to a portal and adapted to execute logic common to the portal to provide a reusable setting (see Hanzek; see abstract; see fig. 3, items 318, 324, 352, and 354; column 3, lines 40-67).

22. *(New) The system set forth in claim 1, wherein the preprocessor processes an action associated with the portal, and the controller continues with the original request once the processing of the action is complete (see Klevenz; fig. 7; par. 0102-0105).*

23. *(New) The system set forth in claim 1, wherein the preprocessor processes an action associated with the portal, the preprocessor redirects to a uniform resource identifier and the controller ignores the original request (see Klevenz; fig. 7; par. 0102-0105).*

(11) Response to Arguments

Issue 1) Independent claim 1 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.

Independent claim 1 recites, inter alia, "a controller that is adapted to receive a request for data from a user...and a preprocessor that is adapted to search for a preprocessor action associated with a portal registered to the request, wherein the controller invokes the preprocessor before processing the request for data" (emphasis added).

First, the cited references, taken alone or in hypothetical combination, fail to teach or suggest "a controller that is adapted to receive a request for data from a user." Specifically, the Examiner relied on FIG. 3 of Hanzek, in combination with a passage from column 8, line 58 through column 9, line 14 of Hanzek.

Issue 1 response: It is the position of the Examiner that Hanzek taken alone or in combination with Klevenz teaches the limitations of independent claim 1 as specified in the rejection of claim 1 above. Alone as disclosed in fig. 9, Hanzek discloses *the Dispatcher 906 is the controller adapted to accept incoming request data during a session from the Preprocessor (Parser 904) using a portal such as 318 (Hanzek; column 14, lines 57-67, continue in the next column, lines 1-2; column 8, lines 43-57)*. In addition, Klevenz teaches a preprocessor (see fig. 7, item 740), that is associated with a portal (see portal component 730) to the request (710) such that the controller (760)

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invokes the preprocessor before processing the request for data. Proper motivation and reason to combine is provided in the rejection of claim 1 above. By this rationale, claim 1, and its dependencies are rejected under 35 U.S.C. 103(a) as being obvious over *Hanzek and Kleventz*.

Issue 2) Appellants claim that the examiner rejected claims 9, ***Independent claim 9 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.*** Independent claim 9 recites, *inter alia*, "creating, with a processor-based device, a model-view-controller architecture comprising a controller that receives requests for data from users and responds to the requests by obtaining requested data; and providing a preprocessor manager that executes a desired action to produce information accessible by the controller for a desired time of incoming user requests" (emphasis added), and that neither Hanzek nor Klevenz teaches or suggests a controller that receives a request from a user. Second, the references do not teach or suggest a model-view-controller architecture. In the Examiner's rejection of dependent claim 8 which includes similar limitations and recites, *inter alia*, "a model and a view separate from one another," .

Issue 2 response:

Similar to appellant's argument that as related to claim 1, the Examiner disagrees with this characterization of the teaching of the prior art of record. Klevenz teaches a model view controller that is capable of creating a processor-based device as expressed in the

disclosure of figs 1, and 7. Clearly, the request (710) is received from the user via the user interface device 122, with controller 760 through a processor 740. See the rejection of claim 9 and 8 above. Further the same reasoning used above in response 1 is also valid for this claim regarding the combination of Hanzek and Kleventz.

By this rationale, claim 9, and its dependencies are rejected under 35 U.S.C. 103(a) as being obvious over *Hanzek and Kleventz*.

Issue 3) *Independent claim 14 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.*

Independent claim 14 recites, *inter alia*, "means for creating a...controller being adapted to receive a request for data from a user...and means for preprocessing an action to produce session-scoped information accessible by the controller, wherein preprocessing the action is performed prior to the controller processing the request to obtain the requested data" (emphasis added)." Similar to the arguments presented above with regard to independent claim 1, Hanzek and Klevenz fail to teach or suggest each limitation recited by independent claim 14. For example, neither of the references teaches or suggests a controller (or a means for creating controller) adapted to receive a request for data from a user, nor do they teach or suggest preprocessing (or a means for preprocessing an action) performed prior to the controller processing the request to obtain the requested data. In contrast, as discussed with regard to independent claim 1, the cited references, at best disclose a preprocessor that receives a request from a user and subsequently invokes a controller based on the request.

Issue 3 response:

See issue 1 and 2 above.

Issue 4) *Independent claim 14 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another.*

Independent claim 14 recites, *inter alia*, "means for creating a...controller being adapted to receive a request for data from a user...and means for preprocessing an action to produce session-scoped information accessible by the controller, wherein preprocessing the action is performed prior to the controller processing the request to obtain the requested data" (emphasis added)." Similar to the arguments presented above with regard to independent claim 1, Hanzek and Klevenz fail to teach or suggest each limitation recited by independent claim 14. For example, neither of the references teaches or suggests a controller (or a means for creating controller) adapted to receive a request for data from a user, nor do they teach or suggest preprocessing (or a means for preprocessing an action) performed prior to the controller processing the request to obtain the requested data. In contrast, as discussed with regard to independent claim 1, the cited references, at best disclose a preprocessor that receives a request from a user and subsequently invokes a controller based on the request. networking art at the time the invention was made to have incorporated Hanzek's teachings of preprocessing a portal request prior to registering the request with the teachings of Klevenz, for the purpose of "...allowing the controls from the controller

to be centrally rendered, which provides for consistent rendering of the controls, thereby providing support messaging between the controls, through requests."

Issue 4 response:

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F. ed 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is clear teaching of the advantages of using a preprocessor action associated with a portal registered to the request, wherein the controller invokes the preprocessor before processing the request for data" as suggested by Klevenz to facilitate web query processing of the system of Hanzek (see motivation and reason to combine used for the rejection of claim 1 above).

For the above reasons, it is believed that the rejections should be sustained.

(12) Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-

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3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

Respectfully submitted,

/Jude J Jean-Gilles/

/J. J. J./

Examiner, Art Unit 2143

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154

June 05, 2008

Conferees:

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151